

# YONKERS CITY COUNCIL RULES

## 2008-2009

### RULE I.

1. Regular meetings of the City Council shall generally be held on the second and fourth Tuesday of each month at 8:00 p.m., except during the months of July, August and December. No meetings of the City Council shall be held in July or in August, unless requested by a majority vote of the City Council. A regular meeting of the City Council shall be held at 8:00 p.m., in the month of December, on the second Tuesday of the month. Regular meetings may be rescheduled upon a majority vote of the City Council. Should a regularly scheduled, Tuesday City Council Meeting fall on a Holiday that is celebrated by the City, the City Council meeting shall then be held on the Wednesday following.

Any person who wishes to obtain advance notification of all Council or Committee Meetings at which any specific type of public business is to be discussed shall submit a written request for such notification to the Council at the office of the City Clerk, City Hall. Such request shall include the name, address, telephone number and e-mail address, if any, of the person making the request. Notification shall be made by e-mailing a copy of the agenda and a notice of the time, place and purpose of the meeting to the person requesting notification. The responsibility for keeping the required information current shall be that of the person making the request.

The City Clerk's Office shall notify via email all Council Members and persons already registered to obtain advance notification of all Council Meetings and Public Hearing Notices requested by the Mayor, Administration, and the City Council. Additionally, a copy of the notice and agenda of all Council Meetings, Council Committee Meetings, and Public Hearings shall be made available at each branch of the City of Yonkers Public Library at the same time that such meetings are noticed.

2. Special meetings of the City Council or the Rules Committee shall be held at the request of four members of the City Council; or at the request of the City Council President; or by the City Clerk with not less than twenty-four hours previous written notice to each member of the City Council. The Call for a special meeting shall state the matters that are to be considered. The Call of a special meeting shall be considered delivered if it is mailed to the address(es) or e-mail address(es) filed by each Council Member with the City Clerk for the purpose of receiving notices and it is posted in the City Council offices at City Hall. If no address is filed with the City Clerk, the home address of the Council Member shall be used.

3. Meetings of the Committee of the Whole, comprising all of the Council Members, shall be held at 7:30 p.m. on regular Council meeting days or thirty minutes preceding any Special Council Meeting. No official action will be taken on matters before the Committee of the Whole. Matters to be discussed must appear on the Agenda for that evening. The City Council may request the Mayor to direct department heads to be in attendance, as the City Council deems necessary.
4. The Mayor may direct each department head at the Commissioner level to be in attendance at each and every regular and special meeting of the City Council, and at meetings of the Committee of the Whole, Rules Committee meetings, and any other Standing Committee meetings at the request of the City Council. Upon failure of a department head to attend any City Council meeting as provided by these Rules, and in the event City Council requires the attendance of any other City employee, agent or official, (in order to inquire as to the conduct of any department, office or officer of the City for purposes of information or investigation) the City Council is hereby to authorize all subpoenas in accordance with Section C4-12 of the Charter of the City of Yonkers, as signed by the City Council President. In the event the City Council President first refuses to sign said subpoena, or does not sign said subpoena within three (3) days of request, then the Majority Leader is authorized to sign said subpoena. In the event the Majority Leader is unable or refuses to sign said subpoena, the Minority Leader is then authorized to sign said subpoena within three (3) additional days.
5. **ROLL CALL.** The City Council President, or in the President's absence, the Majority Leader, or in the absence of the Majority Leader, then the Minority Leader shall take the Chair at the hour appointed for the Council to meet and shall immediately call the members to order. The roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present. In the absence of a quorum at the time appointed for a meeting, the members present, may, by a majority vote, take a recess or recesses, and direct the Clerk to procure the attendance of absent members.
6. **APPEALS FROM DECISION OF THE CHAIR.** The Chair shall preserve decorum and decide all questions of order, procedure and implementation of rules, subject to appeal to the Council. An appeal from a decision of the Chair shall be carried by four votes.
7. **PRESIDING OFFICER LEAVING CHAIR.** When the Chair shall be vacant, it shall be filled by the following members in the following order: Majority Leader, Minority Leader, or Council Member in ascending district order.
8. **ADDRESSING THE CHAIR.** Every member speaking to a question or making a motion shall gain attention by raising his or her hand or by electronic notice, and the Chair shall thereupon pronounce the name of the member entitled to

the floor. Members addressing the Council shall confine themselves to the question under debate and avoid personalities.

9. **OF ORDER AND DECORUM.**

- A. No member shall debate, give a notice, or make a motion or report, or present a petition or other paper until he or she has addressed the President and has been recognized by the President.
- B. While a Council Member is speaking other Council Members shall not entertain any private discourse.
- C. While the President is putting a question, or a roll call is being had, no member shall speak or leave his or her place.
- D. When a motion to adjourn is carried, the Council Members and officers shall keep their seats and places until the President declares that the City Council is adjourned.

10. **DEBATE LIMITATIONS.**

- A. No member shall speak more than five minutes on any issues every time the member addresses the City Council. No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken but limited to speak no more than twice on the same subject, except by consent of the City Council. No vote shall be taken unless each member has had an opportunity to speak once.
- B. If any Council Member in speaking transgresses the Rules of the City Council, the President or any Council Member may call the Council Member to order in which case the Council Member so called to order shall cease speaking, and shall not commence speaking unless to explain or proceed in order.
- C. All questions relating to the priority of business, that is, the priority of one question or subject matter of another under the same order of business shall be decided without debate.

11. **QUORUM.**

A quorum shall consist of four (4) members of the City Council.

## **RULE II.**

After the members are called to order, the Pledge of Allegiance shall be (then) recited by the City Council President or by person specially designated by the City Council President. Then, a moment of silence shall be extended by the City Council President, or by a member of the Clergy of the City of Yonkers, or by any other person so designated by the City Council President. The synopsis of the minutes of any prior meeting or meetings shall then be read and said minutes, thereby considered for approval. During the Committee, Rules and Council Meetings all communication devices should be placed on vibrate or turned off until the end of the meeting.

## **RULE III (A).**

After the approval of the minutes, the following shall be the order of business, unless by a majority vote, the City Council agrees to consider a specific matter out of its regular order.

### **COMMITTEE OF THE WHOLE:**

1. Reception of Petitions
2. Reports and Communications of City Officers
3. Communications Generally
4. Miscellaneous
5. Requests of Speakers on Agenda Matters.

### **CITY COUNCIL:**

1. Presentation of Proclamations
2. Public Hearings
3. Unfinished Business:
  - A. Local Laws
  - B. General Ordinances
  - C. Special Ordinances
  - D. Resolutions
4. New Business
  - A. Local Laws
  - B. General Ordinances
  - C. Special Ordinances
  - D. Resolutions

## **RULE III (B).**

### **NEW BUSINESS**

New Business shall appear and be introduced as follows:

1. City Council President
2. Majority Leader
3. Minority Leader
4. Chairpersons of Standing and Special Committees
5. Council Members in ascending district order.

#### PRESENTATION OF LEGISLATION

The introduction of Local Laws, Ordinances, and Resolutions are not debatable and are not subject to Rule I -10. Said introduction is subject to reasonable time constraints as determined by the Chair.

#### **RULE IV.**

##### AGENDA

1. No Local Law, Ordinance, Resolution, or other matter requiring a vote of the City Council shall be introduced, considered, or passed upon at any regular meeting of the City Council unless it has been filed in writing with the City Clerk by the Rules Committee. All Committee Reports must be in writing and submitted to the Rules Committee prior to being placed on the Council Agenda.
2. All proposed Local Laws, Ordinances, Resolutions, Committee Reports, or other matters must be submitted to the Rules Committee as defined by Rule IX (A) of the Council Rules, by any member of the City Council or by the Chairperson of any Standing or Special Committee by 12:00 noon (amended by Resolution No. 163-2002) on the Monday preceding the day of the regular Rules Committee meeting. If said Monday is a holiday, then the deadline is the preceding Friday by 12:00 noon. The Rules Committee shall act promptly upon any such Local Law, Ordinance, Resolution, Committee Report, or other matter submitted to it for the purpose of formulating an Agenda for the City Council meeting which shall occur at the next regular or special meeting of the City Council.

The Rules Committee shall generally meet regularly at 6:30 p.m. on the first and third Tuesday of each month unless otherwise specified by a majority of the Committee. Should a regularly scheduled, Tuesday Rules Committee meeting fall on a Holiday that is celebrated by the City, the Rules Committee meeting shall then be held on the Wednesday following. The City Clerk or a person designated by the City Clerk shall be present at the Rules Committee meeting to take the minutes of the meeting.

3. The City Clerk shall prepare an Agenda, which shall be available to the City Council before 3:00 p.m. on the Thursday preceding the regular meeting. The Agenda shall include all Local Laws, Ordinances, Resolutions, Committee

Reports, or other matters properly received by the City Clerk under the provisions of Paragraph 1. The agenda of all Regular (Stated) Meetings of the City Council, including all backup information and material, shall be made available to the general public. Said material shall be available for viewing on the web page or pick-up only at the Office of the City Clerk by 10:00 a.m. on the Friday preceding a Regular (Stated) Meeting of the City Council. The agenda, including all backup information and material shall be provided to members of the general public at no charge.

4. When filed with the City Clerk by the Rules Committee, all Local Laws, Ordinances Resolutions and Committee Reports shall have the names of the Council Members presenting same, endorsed thereon: and no Local Law, Ordinance or Resolution shall be placed on the Agenda by the City Clerk unless it contains the names of the sponsors. All items sponsored by the Rules Committee shall bear sponsorship of all committee members.
5. No Local Law, Ordinance, Resolution or other matter requiring a vote of the City Council shall be introduced, considered, or passed upon at any special meeting unless it has been filed with the City Clerk at least twenty-four hours before the time set for the special meeting, and until a copy is delivered to each Council Member with the Call to the special meeting as per Rule I - 2.
6. Notwithstanding the forgoing, at a regular or special meeting the City Council may consider and vote upon any Local Law, Ordinance, Resolution, or other matter not included in the Agenda for said meeting, provided that such Addenda item is first submitted to each member of the City Council prior to the Council meeting, and further provided that each member of the City Council shall consent to the inclusion of such Addenda item. Any such Addenda items may include (a) a matter that is in a Standing Committee that is accompanied by a written report of the Chairperson of the Committee, (b) any item that is vetoed by the Mayor, or (c) any matter that is requested by the Mayor and is accompanied with an appropriate justification message signed by the Mayor stating the urgency of the matter and the reason it was previously unanticipated.
7. Legislation shall not be allowed before the City Council unless each member has first been given a copy of it.
8. All Local Laws, Ordinances and Resolutions Laws appearing on the Agenda of this City Council shall be numbered separately by the City Clerk; and, upon the call of the calendar, no Local Law, Ordinance or Resolution so numbered needs to be read by the Clerk, except upon the request by a Council Member.

From introduction to passage each Local Law, General Ordinance, Special Ordinance and Resolution shall be identified by an individual number and date of introduction preceded by the letters "PL" for proposed Local Law,

“PGO” for proposed General Ordinance, “PSO” proposed Special Ordinance, and “PR” for proposed Resolution

10. Notwithstanding any other provision of these rules to the contrary, the City Council may consider and vote upon any resolution constituting an honorarium not included in the Agenda for said meeting, provided that such honorarium is first submitted to each member of the City Council prior to the roll call of such meeting, further provided that each member of the City Council consents to the inclusion of the honorarium on the meeting's Agenda and further provided that the honorarium has been drafted in final form in a format acceptable to the City Clerk and bears the sponsorship of all Council Members by name. (Amendment added by City Council Resolution No. 213-2002).

#### **RULE V.**

1. All Local Laws, Ordinances, Resolutions or other matters requiring a vote of the City Council and which have been passed upon at any regular or special meeting in the affirmative, must be filed by the City Clerk with the Mayor by 12:00 noon following the Regular or Special Meeting of the City Council.
2. All Local Laws, Ordinances, Resolutions or other matters which have been signed or vetoed by the Mayor pursuant to Local Law No. 20-1961, Section C4-6 must be filed with the City Clerk.
3. All items filed by the Mayor with the City Clerk must be forwarded in writing to each member of the City Council within twenty-four (24) hours of the initial filing.
4. Notwithstanding the provisions of Rule IV, all items vetoed by the Mayor and filed with the City Council pursuant to Part One through Three (1-3) of this rule can be immediately placed upon the agenda of the next regularly scheduled meeting of the City Council by the Rules Committee.

#### **RULE VI.**

1. All votes shall be “Aye” or “Nay” and shall be duly recorded in the minutes. Roll call of the members shall be as follows:
  - A. Council Members in descending district order (6-1) ending with the Council President.
2. Once the question has been put, and the vote is being taken, the members of the City Council shall confine themselves to voting and shall not resume discussion or make further comments on the question.

3. Only authorized representatives of the press or other communication media shall have the privilege of sitting at the press table within the rail during all meetings of the City Council, or any of its committees.
4. As a matter of right, only the City Council Staff and department heads shall have the privilege of sitting within the rail during all meetings of the City Council, or any of its committees.
5. The City Council may extend the privilege to any other city officer or person at its discretion.

#### **RULE VII.**

There shall be a Committee of the Whole, composed of all members of the City Council. Any matter before the City Council may be referred by a majority vote to the Committee of the Whole.

#### **RULE VIII.**

The City Council in accordance with Section C4-2 of the Charter hereby designates Council Member Sandy Annabi as Majority Leader and Council Member Liam McLaughlin as Minority Leader. The designation of party affiliation of each Council member shall be determined by party affiliation at the time of the General Election in which they were elected. This designation shall be utilized to determine the majority and minority status of the Council.

#### **RULE IX (A).**

The Rules Committee is hereby created and shall consist of the City Council President as Chairperson (Local Law No. 20-1961, Section C4-7), and all Council Members, each of whom shall have one vote.

#### **RULE IX (B).**

The Rules Committee is hereby designated as the Committee to review all mayoral appointments. Said Committee may conduct a confirmation hearing of any of said appointments and said Committee may issue subpoenas for witnesses and/or the production of documents in connection with any such confirmation hearing, as signed by the City Council President or the Majority Leader or the Minority Leader as specified in Rule 1, paragraph 4. The Rules Committee shall attempt to preserve the confidentiality of the nominee and endeavor to complete its process in a reasonable and timely manner.



## **RULE IX (C).**

All Standing and Special Committees, Chairpersons, and Co-Chairpersons, thereof shall be appointed by a majority vote of the entire City Council for a two-year period or less. The following Standing Committees and their respective Chairpersons, and Co-Chairpersons are hereby appointed:

### **Budget and Finance:**

Liam McLaughlin, Co-Chair

Patricia McDow, Co-Chair

### **Municipal Operations:**

Joan Gronowski, Co-Chair

Dee Barbato, Co-Chair

### **Community Services:**

Patricia McDow

### **Education:**

Sandy Annabi

### **Real Estate & Economic Development:**

Chuck Lesnick, Co-Chair

Patricia McDow, Co-Chair

### **Intergovernmental Relations:**

Chuck Lesnick

### **Legislation and Codes:**

Sandy Annabi

### **Franchises:**

Liam McLaughlin

### **Environmental Policy & Protection**

Liam McLaughlin

The membership and number of voting members of the committees shall be at the discretion of the Chairperson. The City Council President shall be a voting member of all standing committees. The names of all Committee members shall be filed by the Chairperson of the Committee in the Office of the City Clerk and the Office of the City Council within seven (7) days of appointment.

#### **RULE IX (D).**

All items may be referred by a majority vote of the City Council to the Rules Committee or to any Standing or Special Committee.

If a matter is referred to the Rules Committee, it shall have the discretion to assign items to the appropriate Standing or Special Committee(s).

#### **RULE IX (E).**

Committee meetings and the agenda for such meetings are at the sole discretion of the committee chairperson, with the exception of Rules Committee, which shall meet regularly (in accordance with Rule IV-3) or which shall meet specially in accordance with Rule 1-2. The order of discussion will be given to the committee members followed by the Council members in attendance. Members of the public are encouraged to discuss and debate relevant issues during meetings of the various committees of the Council. Each Committee Meeting will begin with a greeting by the Chair and a brief summary of the rules of the Council related to courtesy, decorum and speaking before Council. During Committee Meetings, persons may be granted the privilege of the floor as follows: persons who wish to speak on any item on a Committee Agenda may be granted the privilege of the floor for three minutes, unless in the discretion of the Chair, circumstances dictate a longer or shorter period for all speakers on a particular item. The length of the speaking periods for public comment must be uniform for a particular item. Further, it is the discretion of the Committee Chair whether persons speaking on agenda items speak before or after Committee Members have had the opportunity to discuss the item. After the business portion of Committee Meetings have concluded, persons who wish to speak on any relevant issue may be granted the privilege of the floor for three minutes. Nothing in this rule shall preclude a Committee by a majority vote thereof from permitting members of the public to participate during the business portion of the meeting. The agenda for the Rules Committee shall be, in addition to other business before it, to formulate the agenda of the City Council in accordance with Rule IV-2.

The respective Chairperson of said committees are required to advise the office of the City Clerk of all scheduled meetings, indicating the date, the time and purpose, and the location of said meetings.

In the event that a piece of legislation, which has been referred to Committee, has not been acted upon, nor discussed and addressed within ninety days of said referral, it shall be deemed to be withdrawn; and it shall have to appear again on the Agenda as new legislation before it may be acted upon. Items voted out of Committee shall be submitted to the Rules Committee together with the written report for placement on the Agenda

pursuant to Rule IV The City Council President shall on his initiative, have the authority to remove any piece of legislation from any committee and transfer said legislation to the Rules Committee. Notification that a piece of legislation shall be deemed to be withdrawn due to committee inaction must be given by the City Clerk to the City Council President, as Chairperson of the Rules Committee, one (1) week before its official lapse. Withdrawal is not complete unless the City Clerk's notice is received by the City Council President the sponsor(s) of the legislation and seven (7) subsequent days have expired, and the sponsor duly notified.

#### **RULE X.**

A motion presented for action to the Council may be entertained only if seconded by one other member of the Council.

#### **RULE XI.**

Any member may demand a roll call vote on any question. Where a question under consideration covers two or more points which are separable, the questions shall be separated upon the demand of any Council Member.

#### **RULE XII.**

A motion to reconsider is in order only when offered by a member of the City Council who voted with the majority in the adoption or defeat of the measure or question; said motion is only proper if offered at the same meeting at which the vote to be reconsidered was taken or at the next following regular meeting. Any member of the City Council may second such a motion. Once put and lost, a motion to reconsider shall not be renewed, nor shall any vote be a second time reconsidered.

#### **RULE XIII.**

When a question is before the City Council, no motion shall be in order, except to adjourn, to lay on the table the previous question, to postpone indefinitely or to a day certain, to commit or to amend, and these shall have precedence in the order in which they are here stated. Until decided, a motion to postpone shall preclude amendment of the main question, and a motion to commit, to lay on the table, or for the previous question, shall preclude amendment and debate. To lay on the table the previous question shall not be in order until each member has had an opportunity to speak once on the main question. The motion to adjourn shall be decided without debate and shall always be in order, except when the question of adjournment has just previously been put and decided in the negative.

#### **RULE XIV.**

No member shall be absent from the meeting, before adjournment, without leave from the Chair, for longer than five (5) minutes. If a member requests permission to absent himself/herself, such permission shall not be withheld by the Chair.

#### **RULE XV.**

In the conduct of all examinations, inquiries, investigations or proceedings held by or before the City Council or any designated committee thereof, the law governing the conduct of trials in the Supreme Court of the State of New York shall govern.

#### **RULE XVI:**

The general rules of parliamentary law as set forth in Roberts Rules of Order shall govern the deliberations of the City Council, except as otherwise provided by its Rules.

#### **RULE XVII.**

1. Ordinances shall be of two separate and distinct classes:
  - A. Special Ordinances, relating to special matters
  - B. General Ordinances, relating to the governing of the City
2. The City Clerk shall keep each class of proposed Ordinances in distinct files and identified as set forth in Rule XVII - 1 and shall give each Ordinance of each class a distinct number after its passage.

#### **RULE XVIII.**

1. No person shall be permitted to address this City Council in meeting assembled, except at a properly advertised public hearing, unless he or she shall have first applied to the Council for permission by the Council by a majority vote at the meeting of the Committee of the Whole, or unless a majority of the members present during the Council meeting grant permission otherwise.

Applications for permission to address the Council at the Committee of the Whole must be filed with the City Clerk no later than 3:00 p.m. on the day the Committee of the Whole meets and must show the name and address of the speaker, the organization, firm, corporation, or person in whose behalf he or she is appearing and the Agenda item about which he or she wishes to

speak. If the City Clerk determines that the speaker cannot be identified as living at the given address or said address is not bona fide, then said applicant will not be afforded an opportunity to speak. Applications to speak may be made in writing, via email, or by phone at any time subsequent to the meeting of the Rules Committee prior to 3 p.m. of the day of the Council Meeting.

Unless the Council President or the majority of the members of the Council present consent no one shall be allowed to speak at the Committee of the Whole on a matter that does not appear upon the Agenda for that day's meeting. No speaker will be allowed to address the Council, either at a stated meeting or at the Committee of the Whole for a period of more than three minutes unless additional time is requested in the application and granted by the Council. The City Clerk shall supply the list of scheduled speakers, identifying the date and the time for the application to each member of the City Council at the commencement of the meeting of the Committee of the Whole. This rule shall not be suspended or waived except in case of extraordinary emergency certified in writing to the City Council President and ratified by majority vote of the Council members present.

2. The City Council President shall have general control of the City Council Chambers and Committee of the Whole. In case of any disturbance, trespass or disorderly conduct in the City Council Chambers, he or she shall have the power to order the expulsion of any person or persons creating such disturbance or trespassing therein.

#### **RULE XIX.**

It is the intent of the City Council that action be taken on a matter which is a subject of a public hearing at the same meeting at which the hearing is held or within the next three regular meetings, except for public hearings mandated as part of State law which prescribes its own timetable. If action is not taken within the time intended herein, then the City Council may request the City Clerk to re-advertise the Public Hearing giving public notice that action will be taken at the next regular meeting of the City Council.

#### **RULE XX.**

The annotated agenda will constitute the minutes of the meeting. The minutes shall be posted on the City website within 72 hours and remain on the website in perpetuity. These minutes should be used by the City Clerk to help create a publicly accessible legislative tracking system of items before the City Council from introduction at the Rules Committee to final determination by the City Council. These said Rules also shall be posted on the City website within 72 hours and remain on the website for the duration of the term of this Council.

#### **RULE XXI.**

The City Clerk will use a tape recorder to record the full proceedings of the regular or special City Council meetings. Said recordings shall be retained by the City Clerk for a period of three (3) years as an unofficial supplement to the minutes kept pursuant to Rule XX. For meetings and hearings not held at City Hall, the City Clerk shall coordinate the broadcasting of the proceedings whenever possible and retain a copy of said broadcast for a period of three (3) years as part of an unofficial supplement to the minutes kept pursuant to Rule XX.

#### **RULE XXII.**

All regular and special meetings of the City Council, all meetings of the Committee of the Whole and all meetings of the City Council's Standing and Special Committees shall be open to the public and press as per the Open Meetings Law contained in Section 103 of the Public Officers Law. However, upon a vote of the majority of the City Council, an "executive session" may be held as per the rules for the conduct of executive sessions of the Open Meetings Law contained in Section 105 of the Public Officers Law.

#### **RULE XXIII.**

One or more of the Yonkers City Council Rules may be suspended, except as prohibited in these Rules, at any time, by four (4) votes of the City Council, and may be amended or supplemented by a Resolution adopted by a vote of a majority of the members of the City Council, provided that notice to amend or supplement the Rules, with the indicated amendments or additions, be filed with the City Clerk in accordance with the provisions of Rule IV on introduction of legislation.

#### **RULE XXIV.**

- A. A Council Member may introduce a resolution to make public or discontinue a street or otherwise change the Official City Map of Yonkers. It shall be a rule of procedure of this City Council, pursuant to General City Law Section 29, not to approve or disapprove of any legislation to change the Official City Map unless and until a report has been received from the Planning Board.

The City Clerk shall initiate the review process by forwarding to the Planning Board a copy of the City Council's resolution. The Planning Board shall solicit the advice of any affected city agencies and shall particularly obtain from the Office of the City Engineer the following information:

1. How long the street has been in use;
2. When it was added to the Official City Map;

3. When it was first worked by the City;
4. What utilities are installed and when they were installed;
5. The status of repair of the roadbed and utilities, if known;
6. The approximate cost to the City to be assumed by making the street public or discontinued;
7. The number of houses on the street to be affected thereby;
8. Other pertinent information;

and unless or until a report has been received from the Planning Board showing the following information:

1. The report of the Planning Board with regard to making the street public or discontinued and reasons therefore;
2. The advice of the Planning Board, should the answer to the first question be negative concerning when the street may be made public or discontinued;
3. The further steps to be taken to put this street into proper condition to be made public or discontinued.

The Planning Board shall also specifically seek the advice of the Corporation Counsel's office regarding any legal issues involved in amending the Official City map.

The Planning Board shall return its report to the City Clerk who shall forward the communication to the City Council.

B. When a petition is foiled by any private interest requesting the City Council to amend the Official City Map the petition shall be filed in the same manner as a petition for a zone change. The petitioner shall file twenty-five (25) copies of the petition with the City Clerk. The petitioner shall pay a fee of \$1,500 that shall cover both the City Council and the Planning Board fees. The City Clerk shall forward 12 copies of the petition to the Planning Board for its use in the review of the proposed amendment to the Official City Map.

#### **RULE XXV.**

No letter, petition or communication to this Council will be added to the Agenda or read at the meetings of this Council, or at the meetings of the Committee of the Whole, unless said letter, petition or communication contains thereon a bona fide return address and unless the writer thereof can be identified at the return address given.

## **RULE XXVI**

### PROCEDURE ON PETITIONS FOR CHANGE OF ZONE

The following rules and forms of procedure shall hereafter govern proceedings before this City Council in the case of any petition for a change on zone district classification:

### PROCEDURE ON PETITION TO CITY COUNCIL FOR CHANGE OF ZONE:

A. Pursuant to Section 43-168(A) of the Yonkers Zoning Ordinance, twenty (20) copies of the petition for an amendment to a regulation or zoning districts shall be filed with the City Clerk, by the owner of property seeking change of zone.

Pursuant to Section 43-168(B) of the Yonkers Zoning Ordinance, all petitions for a change of zone shall be accompanied by certified check, payable to the City of Yonkers in the sum of \$1,500 plus \$100 per acre to cover the cost of the expenses incidental thereto. The applicant shall also bear the cost of the advertising of a public hearing or hearings of said petition.

### CONTENTS OF PETITION:

B. Pursuant to Section 43-168(C) of the Yonkers Zoning Ordinance, the petition shall set forth:

1. Name and address of petitioner.
2. Ownership of property on which zone change is sought and an allegation that petitioner is the owner of 50 percent or more of the frontage in the district or part thereof in which the change of zone is sought.
3. Identity of property by Tax Map Lot and Block Numbers, Street Address; also by general description of the land (by metes and bounds, if necessary), its approximate dimensions, area and location on the street, with reference to readily ascertainable distances from known monuments, street corners, and/or by reference to filed maps or subdivision plots, etc.
4. Designation of the zone district classification or classifications in which the subject property is presently located, and the zone district classification to which petitioner seeks the requested change.



5. The actual use and/or occupancy, if any, of the property at the time of filing the petition. The intended use or purpose for which the change of zone is sought.
6. Reference to the area maps annexed to the petition showing the subject property, all lands within 200 feet of the area of land affected by the proposed change and all lands within 200 feet from the street frontage of land directly opposite the subject property, by lot and block numbers as shown on the Official Tax Map of the City of Yonkers and the Zone District or Districts of said lands as they appear on the Zoning Maps of the City of Yonkers, such area maps to be accurate copies of the Official Tax Map of the City as filed in the Department of Assessment, petitioner to file an additional 13 copies of said area map with the City Clerk to be furnished to the Council.
7. Reference to Site Plan annexed to the petition, the site plan of the proposed zone change showing among other things:
  - a. The intended location and general size and description of the building or buildings including the ground floor area (lot coverage), height of building and number of stories.
  - b. The number of apartments to be contained therein, if an apartment project.
  - c. The planned grade.
  - d. The location of all off-street motor vehicle parking facilities.
  - e. Set backs.
  - f. Means of ingress and egress to parking areas.
  - g. The location of loading and unloading facilities of a non-residential building.
  - h. The petitioner will warrant, represent, and covenant that he will build in accordance with the plans and specification submitted and will comply with the provisions of the petition, the petitioner to file an additional 13 copies of said Site Plan with the City Clerk.
8. Prayer for the relief sought.
9. The petition must be signed and acknowledged by the owner of the subject property, whether individual, corporate, partnership, firm or association.

Signature and acknowledgment by an agent or agency is not permissible.

C. The City Council shall refer a copy of the petition to the Planning Board for its report.

Upon return of said report and if the City Council orders the petition to be set down for a public hearing thereon, the City Clerk shall so advise the petitioner or his attorney, who shall thereupon:

1. Cause a notice of the time and place of the public hearing on the petition and the purposes thereof to be printed and published in the two official newspapers of the City of Yonkers at least twenty (20) days prior to the time of the hearing (see Exhibit "A" for form).
2. At least twenty (20) days prior to the public hearing, serve by registered or certified mail, upon every owner of land within a radius of 200 feet of the area of land affected by any proposed amendment, supplement, change or repeal and upon every owner of land directly opposite thereto extending 200 feet from the street frontage of such opposite land, a written notice of the time and place of such public hearing and the purposes thereof (see Exhibit "B" for form); and a protest form (see Exhibit "C" for form); and consent form (see Exhibit "D" for form); with the owner's name, address and description by lot and block number filled in.

When the property involved fronts on any State Highway, Parkway or Thruway or any County Road or Parkway or State or County Park within the City of Yonkers, the City Clerk, as well as the Petitioner, must forward to the Westchester County Planning Board a written notice of said Public Hearing 20 days prior thereto.

**Note 1.** For the purpose of written notice, "owner of land within a radius of 200 feet" and "owner of land directly opposite" shall mean and include all the names and addresses listed for said land by the Department of Finance of the City of Yonkers in its address book of real properties entitled, "Official Address Book of Real Properties" as shown in said book, thirty (30) days prior to the date set for a public hearing on a petition for a change of zone, and for each name so listed without address the property or street address of the subject land shall be considered the mailing address to which said notices shall be forwarded.

**Note 2.** When the City of Yonkers is among the owners of land within the 200 feet radius or if the owners of land directly opposite, said written notice shall be served upon the Director of Real Estate of the City of Yonkers.

3. File with the City Clerk, not less than four (4) days prior to the public hearing, proof in the form of affidavits of:

- a. Publication of the notice in the official newspapers, and
  - b. Service of the written notice and protest forms, etc., upon the required owners of pr
- D. Pursuant to Section 43-169 of the Yonkers Zoning Ordinance, protests against property, with the post office registry receipt or receipts annexed thereto. A Proposed Change of Zone may be filed by the following classes of persons:
- 1. An owner of land within the area of land included in the proposed change; or
  - 2. An owner of land immediately adjacent, extending 200 feet from the land concerned, or
  - 3. An owner of land directly opposite to the land concerned extending 200 feet from the street frontage of such opposite land.

**Note:** If the owners of 20 percent or more of the land in any of the above classes file proper protests, the change of zone requested shall not be passed, except by a majority vote of the City Council.

- 4. In any and all calculations of the percentage of protests, in the classes described in (a), (b), and (c), above, any and all public and private streets shall be excluded from the total area. (Local Law No. 9-1965)

E. Requirements for a Valid Protest:

- 1. Protest must be in writing and signed by the owner (not by an agent or attorney), and notarized.
- 2. It must be duly acknowledged.
- 3. It must state the name and address of the owner protesting and describe said owner's land by lot and block number as per the Official Tax Map of the City of Yonkers, and street number, if any, and by any other appropriate means which will permit identification of the size and location of such land with reference to the land upon which the zone change is sought.
- 4. It must state that the owner protests or objects to the requested change of zone and the grounds upon which the protest is made.
- 5. The protest must be filed with the City Clerk not less than four days prior to the public hearing on the petition.

F. Correction of Protests:

At any time prior to the public hearing, a mistake, omission, or irregularity, or defect made in good faith in the protest, not pertaining to the manner or time of filing thereof, may be corrected or supplied.

G. Renewal of an application for a change of zone district subsequent to a denial and/or withdrawal of an application for a change of zone district.

In the event a petition for an amendment, supplement, change or repeal of the regulations prescribed for any district or part thereof, by virtue of the provisions of the City of Yonkers Zoning Ordinance of 2000, as amended (General Ordinance No. 4-2000, as amended) is denied, or if the petition is withdrawn, for reasons other than a technical error, after the notice of hearing shall have been mailed, no further application may be made for such an amendment, supplement, change or repeal of regulations prescribed for said district or part thereof within a period of twenty-four (24) months except upon a three fourths (3/4) affirmative vote of the City Council (Local Law No. 16-1964).

H. Certification by the City Clerk relating to written notice of zone change petitions.

The City Clerk shall certify to the City Council that the owners of the land required to be served with written notice of a requested zone change and their address, as shown on the "Official Address Book of Real Properties" on file in the Department of Finance of the City of Yonkers, is as set forth in the affidavit of service thereof by the petitioner or his attorney, which is required to be filed with the City Clerk.

That the petitioner or his attorney shall be required to present to the Office of the City Clerk, at least ten (10) days prior to the date set for public hearing, the list of names and addresses of the real property owners who were served with the notice of such public hearing, together with the block and lot numbers of the properties owned by them.

## **RULE XXVII.**

### **"PROCESS FOR A PUBLIC STREET RENAMING STUDY:**

The Street renaming process for public streets shall consist of two steps; considerations of the initial request for a street renaming study followed by processing of the formal application.

Initial request for a public street renaming study:

A. A public street renaming request shall be initiated in writing from one or more resident(s), business owner or tenant (or by a home owners association or similar common ownership organization) within the City of Yonkers.

B The written request must state the reason the change is being proposed, which street or streets are requested for consideration of a street name change and any proposed new name(s). A street map shall also be provided showing the location of the proposed street name change.

C The Council Members will review the proposed requested street renaming.

D At a public hearing, Council will, in its sole discretion, determine whether to allow the filing, with fee, of a street renaming study.

E A family or group who wishes to have a portion of a street honorarily renamed, must communicate this with the City Council of Yonkers, directly to the Council Member of record in whose district the street which is proposed to be renamed is located, via letter identifying which street is to be honorarily renamed, who or what it is to be renamed for and why, including a biographical statement detailing what that person or group has done for the City of Yonkers to deserve this honor.

F. Upon review and acquiescence of the District Council Member of the honorary street renaming request, a resolution will be submitted to the Rules Committee of the City Council by that Council Member identifying the information as presented in subsection A of this Rule, i.e., the street which is to be honorarily renamed, who or what it is to be renamed for and why, including a biographical statement detailing what that person or group has done for the City of Yonkers to deserve this honor.

G. Upon approval by the City Council of Yonkers of the honorary street renaming request, the resolution will be provided to the Traffic Engineering Bureau of the City of Yonkers so that a blue honorary street sign can be developed and erected in the requested location. The Council Member of record can then arrange for an honorary street renaming ceremony, if desired.

#### Review of Public Street Formal Application:

A If the request for a street renaming study is approved by Council, consideration of the proposed street renaming shall be initiated by the filing of a public hearing application (on a form provided by the City Clerk's Office) along with payment of the required fee.

B The required fee shall be the Legislative Actions/General Plan Amendments fee current at the time the application is filed.

C The application filing shall include a statement as to the reason the change is being proposed, which street or streets are requested for consideration of a street name change and any proposed new name. A street map shall be provided showing the location of the proposed street name change.

D The City Clerk shall process the application, and shall be authorized to determine, on a case by case basis, the appropriate scope of public outreach, public notice and neighborhood workshops that a given application may require.

E At a public hearing, the Council will approve the requested renaming if it can make the finding that it is in the public interest of City. Council action shall be by resolution.

F A Street renaming request shall be initiated by the filing of a Miscellaneous Plan Permit Application along with a petition signed by at least 50% of residents and property owners (or by a home owners association or similar common ownership organization) whose property is addressed on the private street under consideration to the City Council.

Basic criteria for consideration.

The City Council may consider a petition to designate a secondary honorary name for an existing street or portion of existing street in the city upon such petition meeting the following basic criteria:

A. At least 50% of the number of residents and owners of real property (as shown on the City Assessor's records) adjoining the street or portion of street proposed for such honorary naming shall have signed such petition; and

B The person whose name is proposed for such honorary naming shall have resided in the City of Yonkers at least ten continuous or non-continuous years during his/her lifetime, during which time such person shall have preferably resided on the street in question.

C Must have been a Yonkers resident for more than 10 years

D Deceased for at least one year."

AND BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

#### **RULE XXVIII. SEVERABILITY**

In the event of that any one or more of these rules or any part thereof shall be held to be contrary to or invalid under the laws or Constitution of the United States or the laws or Constitution of the State of New York, Westchester County or the Charter of the City of Yonkers, such illegality or invalidity shall not effect in any way any of the other rules hereof, all of which shall continue, nevertheless, in full force and effect.

January 2, 2008